



# AN EMPIRICAL STUDY ON ISSUES IN PROTECTION OF FLUID MARKS IN DIGITAL ERA

<sup>1</sup>B.Jayashree

<sup>1</sup> IIIrd Year, BBA L.L.B(Hons), Saveetha school of Law, Saveetha Institute of Medical and Technical Sciences, Chennai-600 077

**Abstract:** The concept of fluid marks refers to logos, trademarks, and brand identities that have the ability to adapt and evolve over time while retaining their core essence and recognition. Fluid and dynamic logos are gaining popularity in India. In the dynamic landscape of the digital era, protecting brand identity becomes increasingly complex, especially when it comes to fluid marks. In this study the primary data were collected from the people from around Chennai through questionnaires and thus it examined how the media trial influences the witness. Convenient sampling method is used in this study for collecting the samples. Samples are collected based on ease of availability of respondents and sample size is 201. The independent variables used in this study are age, gender, educational qualification, occupation and marital status. The dependent variables for this study are major challenges, major need for stringent and new legislations, legal challenges, technical considerations and impact on business. It was found their very nature presents unique challenges in terms of legal protection and enforcement. From the overall research we came to the conclusion that evolution of fluid marks presents several challenges in terms of legal protection.

**IndexTerms-Fluid marks, Dynamic logos, Trademarks, Digital era and Brand identity.**

## 1.INTRODUCTION

Fluid marks, such as logos, trademarks, and brand identities, are susceptible to unauthorised reproduction, alteration, and misuse in the digital era. The concept of fluid marks refers to logos, trademarks, and brand identities that have the ability to adapt and evolve over time while retaining their core essence and recognition. Fluid marks have gained popularity in recent years as businesses strive to create adaptable brand identities. These marks go beyond traditional static logos by incorporating dynamic elements such as animations, colour variations, or customizable features. They allow brands to engage with consumers in a more interactive and personalised manner, fostering stronger connections and enhancing brand recognition. However, this evolution presents several challenges in terms of legal protection. In the early days of branding, marks were typically static and unchanging. These marks consisted of simple designs or typographic elements that represented a company or product. Examples include logos like Coca-Cola's iconic script and Nike's swoosh, which have remained relatively unchanged for decades. With the emergence of digital media and the need for brands to engage with audiences across multiple platforms, the concept of fluidity in marks gained prominence. Dynamic marks are designed to adapt to different contexts, devices, and screen sizes. They may include variations of the logo for specific applications, such as social media profiles, app icons, or responsive website designs. In India, the legal provisions related to fluid marks, or trademarks, are primarily governed by the Trade Marks Act, 1999, and the associated rules. These provisions aim to protect and regulate the registration, use, and enforcement of trademarks. Under the Trade Marks Act, individuals and businesses can register their fluid marks as trademarks to obtain exclusive rights to use them in connection with specific goods or services. The registration process involves filing an application with the Trademark Registry and undergoing examination and publication stages. Trademark owners in India can take legal action against infringement of their registered trademarks. The Trade Marks Act provides remedies, including injunctive relief, damages, account of profits, and seizure of infringing goods. The Act also establishes a specialised Intellectual Property Appellate Board (IPAB) and courts to handle trademark disputes and enforcement matters. The rapid digital transformation in India has led to increased online presence for businesses, including the use of fluid marks in digital platforms such as websites, social media, and e-commerce. This expanded digital landscape creates more opportunities for unauthorised use, reproduction, and infringement of fluid marks. The growth of e-commerce and online marketplaces in India has brought convenience and accessibility to consumers but has also presented challenges for protecting fluid marks. Counterfeit goods, unauthorised use of fluid marks, and infringement cases have become prevalent in these digital marketplaces. Social media platforms play a significant

role in brand promotion and engagement. However, they also pose risks to fluid marks, as users can create and share content that may infringe upon trademarks or dilute brand identity. Monitoring and addressing such user-generated content can be a challenge for brand owners. The digital environment presents challenges in terms of enforcing intellectual property rights. Identifying and tracking infringers, especially when they operate anonymously or across borders, can be complex and time-consuming. Inadequate resources, legal complexities, and the sheer volume of online content make it challenging for authorities and brand owners to effectively enforce their rights. Protecting fluid marks in the digital era involves safeguarding digital assets and ensuring data privacy. Unauthorised access, hacking, or data breaches can compromise the integrity of fluid marks and lead to misuse or alteration. Robust cybersecurity measures and adherence to data protection regulations are crucial in maintaining the security and authenticity of fluid marks. Advancements in digital technologies, such as artificial intelligence, deep learning, and image recognition, can both aid and complicate the protection of fluid marks. While these technologies can be utilised for monitoring and identifying trademark infringement, they can also be exploited by infringers to manipulate or evade detection. Many brands in India have been adopting minimalist and simpler designs for their fluid marks. This trend focuses on clean lines, minimal colour palettes, and simplified shapes to create a modern and timeless visual identity. Fluid and dynamic logos are gaining popularity in India. These marks adapt and change based on various factors such as context, device, or user interaction. They may include variations that reflect different moods, seasons, or campaigns, allowing for a more dynamic and engaging brand experience. It's important to note that the fluid marks landscape is continuously evolving, and new trends may have emerged since my knowledge cutoff. To stay up to date with the latest trends related to fluid marks in India, it's advisable to consult industry publications, design forums, and market research reports. The maturity of the market and industry practices can influence the adoption and evolution of fluid marks. Countries with more mature markets, such as the United States or European countries, may have a longer history of fluid mark usage and established design trends. In contrast, emerging markets like India may be experiencing a more rapid adoption and exploration of fluid marks. Fluid marks can be influenced by industry-specific factors. For example, technology companies and startups in countries like the United States may be more inclined towards fluid marks to reflect innovation and agility. In India, sectors such as entertainment, fashion, and hospitality may emphasise dynamic and expressive logos to engage with consumers and convey brand personalities. Many businesses and individuals may not have a clear understanding of intellectual property rights, including the importance of protecting fluid marks. The lack of awareness about trademark laws and practices in the digital realm can contribute to a higher incidence of unauthorised use and infringement.

## II. Objectives

- Analyse the major challenges and issues relating to the protection of fluid marks as a trademark in the digital era .
- Provide insights on major technical considerations that arise in the protection of fluid marks and age of the respondents.

## III. Review of literature

This book examines trademarks and brands, and their historical role in national competitive and comparative advantage and in overall economic growth. The contributors provide an historical account of the contribution of brands in consumer goods to economic growth; examine the development of trademark law, its influence on brand strategy, and reciprocally the influence of strategy on the law; and look at the building and repositioning of individual brands as example of the interplay of law and strategy. (da Silva Lopes & Duguid, 2010) This study is based upon the Legal conflicts between trademark holders, social media providers and internet users have become manifest in light of wide scale, unauthorised use of the trademark logo on social media in recent decades. Arguing for the protection of the trademark logo against unauthorised use in a commercial environment, this book explores why protection enforcement should be made automatic. (Friedmann, 2015) This book addresses the issue of trademark use that may be required for the protection and/or maintenance of trademark rights. Since the first edition of this book in 2018, there have been significant modifications in some countries, particularly, following the implementation of EU Directive 2015/2436 in the EU countries. (Gaspar, 2021) The book is divided into five sections reflecting the critical issues arising from patents and biotechnology - Context; Human Rights and Ethical Frameworks; Medicine and Public Health; Traditional Knowledge; and Agriculture. The international contributors from government, civil society, academia and the private sector provide diverse perspectives on life patents and the facilitation of social, cultural and economic development in the context of international principles of trade. (Gibson, 2016) This study creates awareness about the value of IPR in lives and fosters a better understanding of the rights associated with IPR such as copyright, patent, trademarks, industrial designs, geographical indications and so on. Biosafety and bioethical issues prevalent in modern society are discussed. (Goel & Parashar, n.d.) The purpose of this eagerly anticipated book is to analyse the linkages between R&D, patents, innovations, entrepreneurship and growth. Based on a large array of national empirical and policy studies, it elaborates on a comprehensive range of innovation and IP issues that are pertinent not only to Europe but to the world as a whole. (Granstrand, 2011) The case book uses carefully selected court decisions drawn from various countries with either civil or common law traditions. The extracts from the decisions and accompanying comments illustrate the different areas of intellectual property law, with an emphasis on matters that typically arise in connection with the enforcement of intellectual property rights in civil as well as criminal proceedings. (Harms &

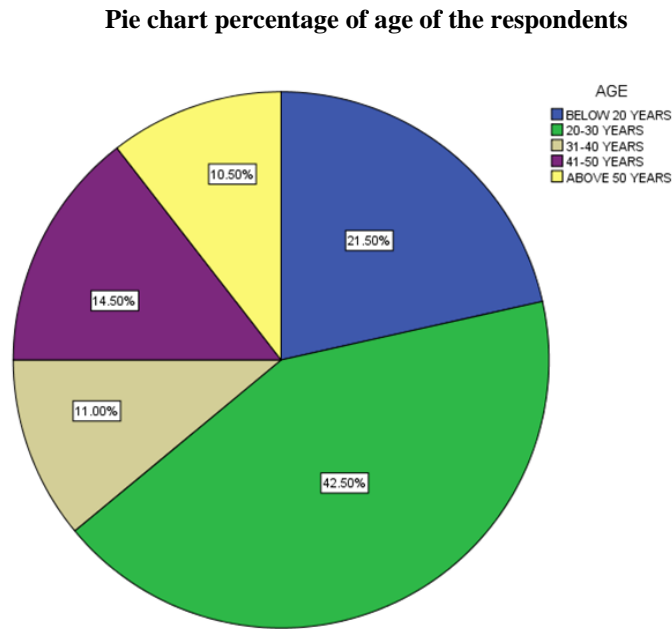
**World Intellectual Property Organization, 2012)** Intellectual Property Rights as Obstacles to Legitimate Trade helps to understand one of the underlying rationales of the TRIPS Agreement in light of some of the most pertinent IP issues. The WTO/TRIPS Agreement for the first time put IP rights in the context of trade rules, such as when does the exercise of IP rights become an unjustified burden to legitimate trade. **(Heath et al., 2018)** The author has carefully reimagined tried and proven trademark registration principles brought to life with real life examples, designed to empower business owners and entrepreneurs with the tools necessary to develop and sustain a best in class brand. Learned how the major brands use registered trademarks to leverage business value, and build a portfolio that increases the bottom line and grows business value. **(Hodgson, 2019)** This file contains Trademark law originally written by Siegrun D. Kane and published by Practising Law Institute which provides a better understanding on trademark laws and also includes information on trademark problems posed by interacting with the Internet. **(Kane, n.d.)** This book provides a clear, jargon-free, and comprehensive overview of the patenting process tailored specifically to the needs of scientists and engineers. Although chemists, physicists, biologists, polymer scientists, and engineers in industry are involved in potentially patentable work, they are often under-prepared for this all-important field. **(Kennedy & Watkins, 2012)** This book considers the intellectual property issues which are raised by space activities. While outer space itself remains out of reach for most of us, the results of space activities and developments from space technology are becoming ever-more integrated in our daily lives. **(Leepuengtham, 2017)** This book outlines critical concepts and applies them with explanations in real-life applications, including many cases from the author's own practice as well as those of various media professionals. **(Lutzker, 2013)** This book is a thought provoking volume and an update on current international IPR negotiations and includes case studies on software, computer chips, optoelectronics, and biotechnology “areas characterised by high development cost and easy reproducibility.” **(Office of International Affairs, 1993)** This book comprehensively discussed how to manage and secure the intellectual property and the legal norms associated with it. The book begins with introducing the concepts related to Intellectual Property and the WTO Agreement. **(Pandey & Dharni, 2014)** The Study Aims at Highlighting International and Domestic Trade Laws in The Light of Globalization and Liberalisation-The Focus Being an Intellectual Property Rights. Has 5 Parts Covering-Introduction-Two and Intellectual Property Law-Patent Laws-Copyright Law-Intellectual Property Rights Law in Commercial Domain. Contains A Table of Cases Also. **(Singh, 2004)** This book, a primer for the entrepreneur, is filled with valuable and ready-to-use information on using trademarks to avoid lawsuits and protect your ideas. Easy to follow and affordable, this helpful guide will teach you how to manage your trademark to maximise profits, avoid problems, and coexist with other marketers while you market your own product. It also provides answers to your questions about when to call a lawyer and how to avoid needing one. **(Wilson, 2012)**

#### IV. Methodology

The primary source of data was obtained by conducting an empirical study on seeking responses from the general public around Chennai. The data was collected through questionnaires and also relied on secondary sources of data such as books, journals, e-sources, articles and newspapers. The present research is conclusive, descriptive and based on empirical design. The sampling size of the paper is 201. SPSS software is used for analysis purposes. The sampling frame is that the respondents belong to all kinds of age groups. The independent variables are age, gender, education qualification, occupation and marital status. The dependent variables are major challenges, major need for stringent and new legislations, legal challenges, technical considerations and impact on business. The research tools used are graphs, percentage, chi-square tests, One-way ANOVA test and correlation test.

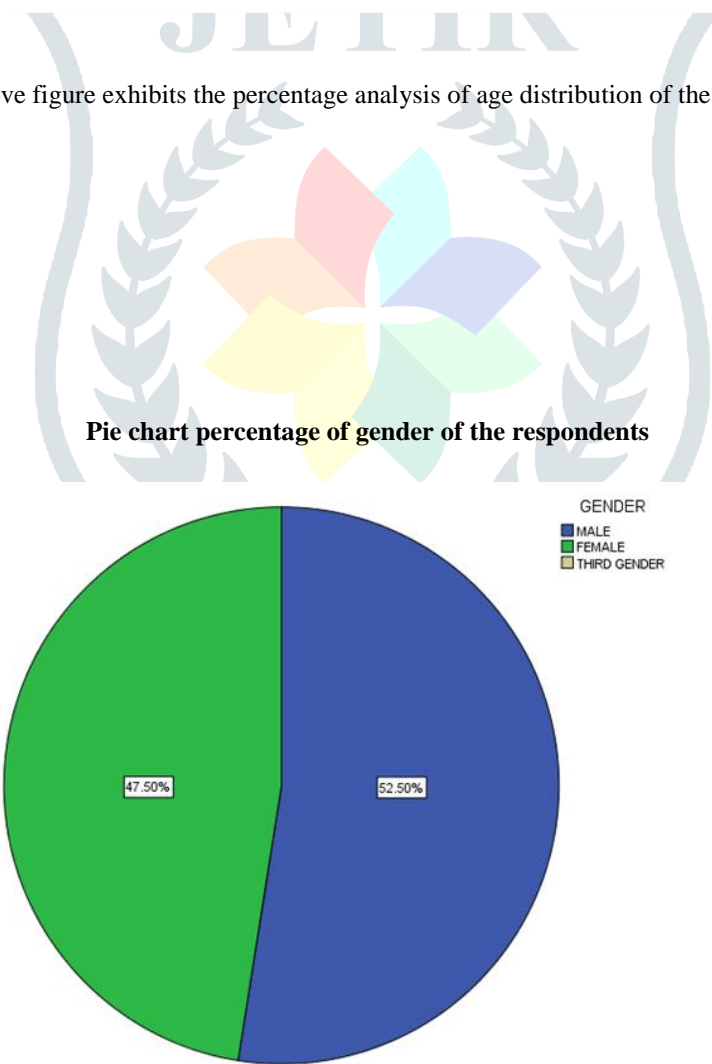
V. Analysis

Fig 1



**Legend :** The above figure exhibits the percentage analysis of age distribution of the respondents .(**Fig1**)

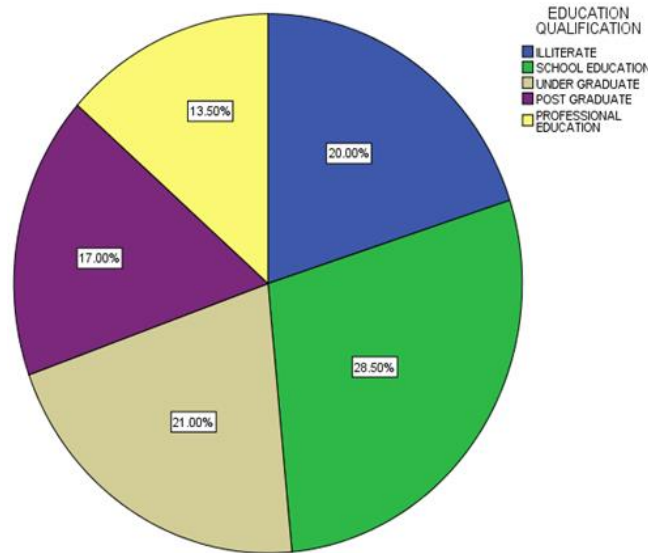
Fig 2



**Legend :** The above figure is the percentage analysis of gender distribution of the respondents .(**Fig 2**)

Fig 3

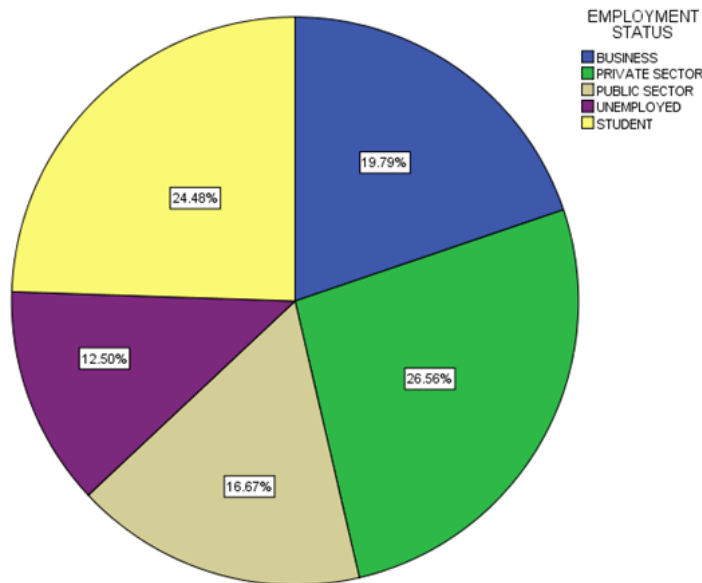
Pie chart percentage of education qualification of the respondents



Legend : The above figure exhibits the percentage analysis of education qualification of the respondents .(Fig 3)

Fig 4

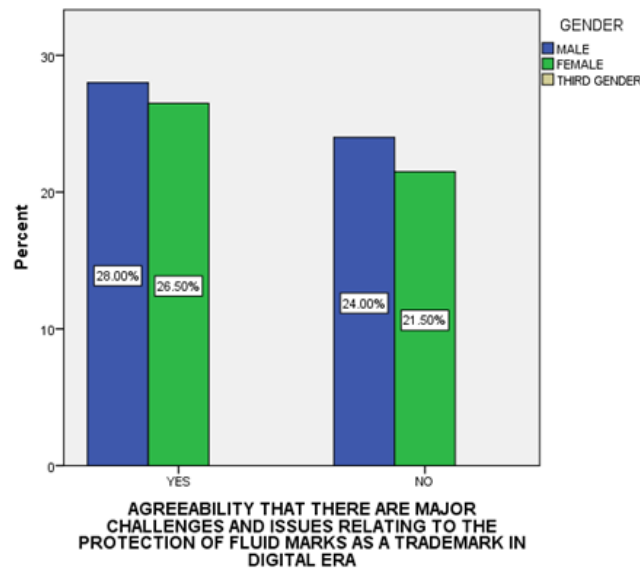
Pie chart percentage of employment status of the respondents



Legend: The above figure is a percentage analysis of employment status of the respondents.(Fig 4)

Fig 5

Clustered bar chart percentage between agreeability that there are major challenges and issues relating to the protection of fluid marks as a trademark in digital India and gender of the respondents



**Legend :** The above figure is a clustered bar chart between agreeability that there are major challenges and issues relating to the protection of fluid marks as a trademark in digital India and gender of the respondents. (Fig-5)

Table 1

Chi-Square test between agreeability that there are major challenges and issues relating to the protection of fluid marks as a trademark in digital era and age of the respondents

		AGREEABILITY THAT THERE ARE MAJOR CHALLENGES AND ISSUES RELATING TO THE PROTECTION OF FLUID MARKS AS A TRADEMARK IN DIGITAL ERA		Total
		NO	YES	
AGE	BELOW 20 YEARS	26	16	42
	20-30 YEARS	49	36	85
	31-40 YEARS	7	15	22
	41-50 YEARS	20	10	30
	ABOVE 50 YEARS	7	14	21
Total		109	91	200

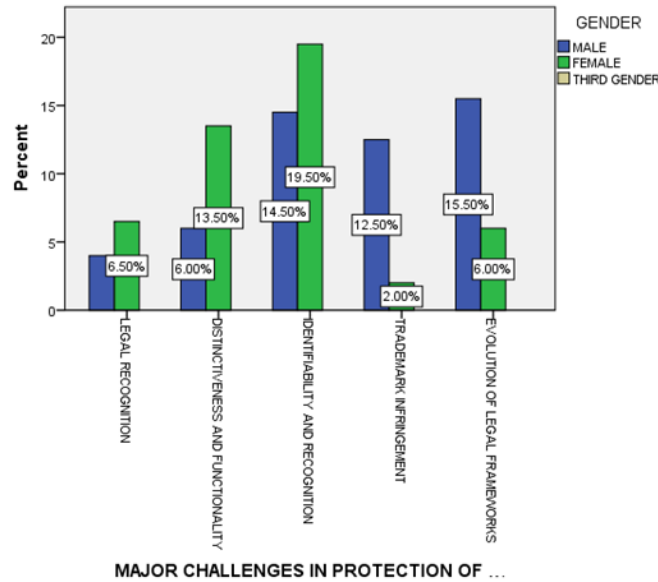
	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	11.417 <sup>a</sup>	4	.022
Likelihood Ratio	11.531	4	.021
Linear-by-Linear Association	2.506	1	.113
N of Valid Cases	200		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 9.56.

**Legend:** It is a Chi-square test between agreeability that there are major challenges and issues relating to the protection of fluid marks as a trademark in digital era and age of the respondents. (Table 1)

Fig 6

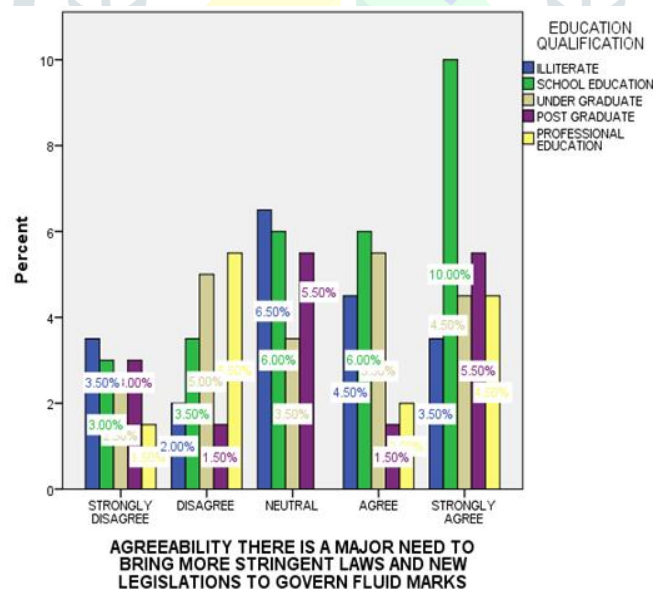
Clustered bar chart percentage between major challenges in protection of trademarks and gender of the respondents



**Legend :** The above figure is a clustered bar chart between major challenges in protection of trademarks and gender of the respondents.(Fig 6)

Fig 7

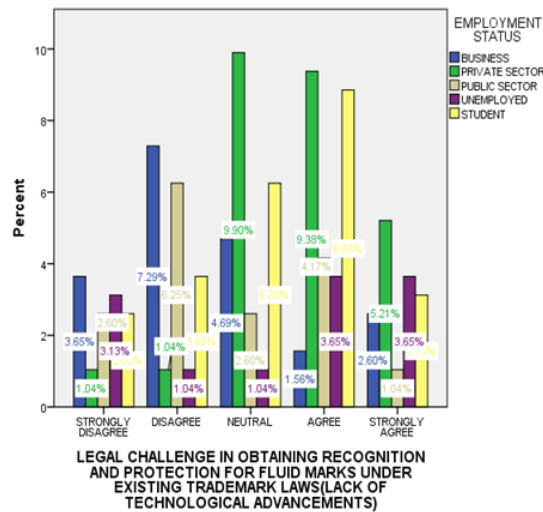
Clustered bar chart percentage between agreeability there is a major need to bring more stringent laws and new legislations to govern fluid marks and education qualification of the respondent



**Legend :** The above figure is a clustered bar chart between agreeability. There is a major need to bring more stringent laws and new legislations to govern fluid marks and education qualification of the respondents.(Fig 7)

Fig 8

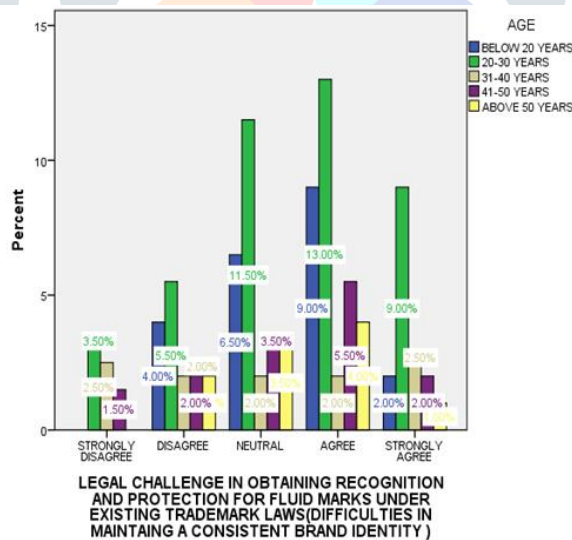
Clustered bar chart percentage between legal challenge in obtaining recognition and protection for fluid marks under existing trademark laws (lack of technological advancements) and employment status of the respondents



Legend : The above figure is a clustered bar chart between legal challenges in obtaining recognition and protection for fluid marks under existing trademark laws (lack of technological advancements) and employment status of the respondents.(Fig 8)

Fig 9

Clustered bar chart percentage between legal challenge in obtaining recognition and protection for fluid marks under existing trademark laws (difficulties in maintaining a consistent brand identity) and age of the respondents

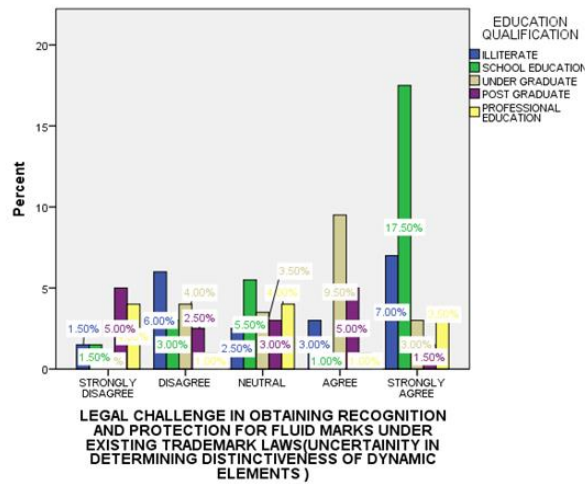


Legend : The above figure is a clustered bar chart between legal challenge in obtaining recognition and protection for fluid marks under existing trademark laws (difficulties in maintaining a consistent brand identity) and age of the respondents.(Fig 9)



Fig 10

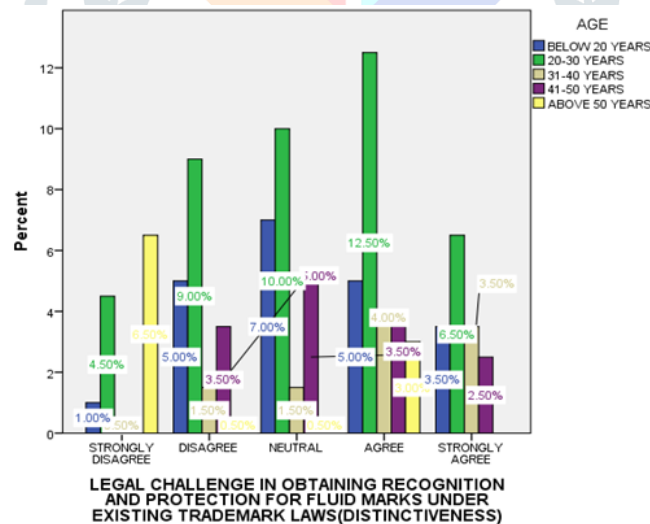
Clustered bar chart percentage between legal challenge in obtaining recognition and protection for fluid marks under existing trademark laws (uncertainty in determining distinctiveness of dynamic elements) and education qualification of the respondents



**Legend :** The above figure is a clustered bar chart between legal challenges in obtaining recognition and protection for fluid marks under existing trademark laws (uncertainty in determining distinctiveness of dynamic elements) and education qualification of the respondents.(Fig 10)

Fig 11

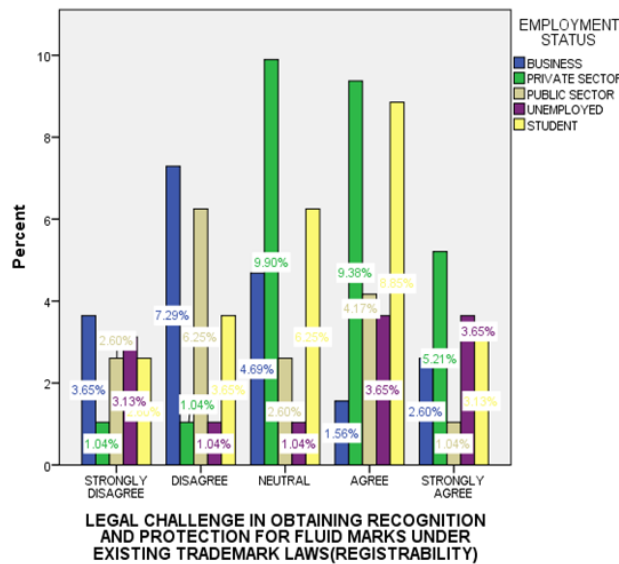
Clustered bar chart percentage between legal challenge in obtaining recognition and protection for fluid marks under existing trademark laws (distinctiveness) and age of the respondents



**Legend :** The above figure is a clustered bar chart between legal challenge in obtaining recognition and protection for fluid marks under existing trademark laws (distinctiveness) and age of the respondents.(Fig 11)

Fig 12

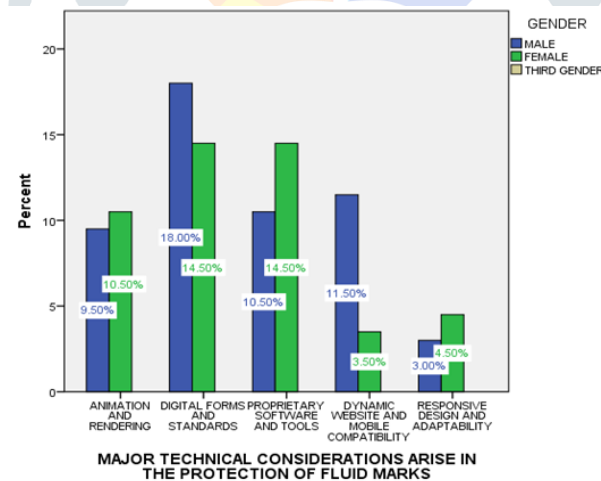
Clustered bar chart percentage between legal challenge in obtaining recognition and protection for fluid marks under existing trademark laws (registrability) and employment of the respondents



Legend : The above figure is a clustered bar chart between legal challenge in obtaining recognition and protection for fluid marks under existing trademark laws (registrability) and employment of the respondents.(Fig 12)

Fig 13

Clustered bar chart percentage between major technical considerations arise in the protection of fluid marks and gender of the respondents



Legend : The above figure is a clustered bar chart between major technical considerations arise in the protection of fluid marks and gender of the respondents.(Fig 13)

VI. Result

It has been analysed from the survey that 21.50% of the respondents belong to the age group of less than 20, 42.50% of the respondents belong to the age group of 20-30 years, 11.00% of the respondents belong to the age group of 31-40, 14.50% of the respondents belong to the age group of 41-50, 10.50% of the respondents belong to the age group of Above 50 years.(Fig-1) It has been analysed from the survey that 52.50% of the respondents are Male and 47.50% of the respondents are Female.(Fig-2) It has been analysed from the survey that 20.00% of respondents are illiterate, 28.50% of respondents are school students, 21.00% of the respondents are undergraduates, 17.00% of the respondents are post graduates and 13.50% of the respondents are having professional education.(Fig-3) It has been analysed from the survey that 19.79% of the respondents are doing business, 26.56% of the respondents belong to private sector, 16.67% of the respondents belong to public sector, 12.50% of the respondents belong to unemployed sector and 28.48% of the

respondents are students. **(Fig-4)** It is found that from the survey done between the agreeability that there are major challenges and issues relating to the protection of fluid marks as a trademark in digital India and gender of the respondents, 28.00% of male and 26.50% of female said “YES” and 24.00% of male and 21.50% of female said “NO”. **(Fig-5)** The p-value obtained between the agreeability that there are major challenges and issues relating to the protection of fluid marks as a trademark in digital India and gender of the respondents, is 0.022. Using the Chi-Square test, it was found that p-value is lesser than 0.05, which shows that the null hypothesis is rejected and accepts the alternate hypothesis. There is a significant association between the agreeability that there are major challenges and issues relating to the protection of fluid marks as a trademark in digital India and gender of the respondents. **(Table-1)** It is found that from the survey done between major challenges in protection of trademarks and gender of the respondents, it is seen that 4.00% of male and 6.50% of female said legal recognition and 6.00% of male and 13.50% of female said distinctiveness and functionality, 14.50% of male and 19.50% of female said identifiability and recognition, 12.50% of male and 2.00% of female said trademark infringement and 15.50% of male and 6.00% of female said evolution of legal frameworks. **(Fig-6)** It is found that from the survey done between agreeability there is a major need to bring more stringent laws and new legislations to govern fluid marks and the education qualification of the respondents it is seen that, 3.50% of illiterate, 3.00% of school students, 2.50% of undergraduates and 3.00% of post graduates and 1.50% of respondents belonging to professional education said strongly disagree. 2.00% of illiterate, 3.50% of school students, 5.00% of undergraduates and 1.50% of post graduates and 5.50% of respondents belonging to professional education said they disagreed. 6.50% of illiterate, 6.00% of school students, 3.50% of undergraduates and 5.50% of post graduates said neutral. 4.50% of illiterate, 6.00% of school students, 5.50% of undergraduates and 1.50% of post graduates and 2.50% of respondents belonging to professional education said agree. 3.50% of illiterate, 10.00% of school students, 4.50% of undergraduates and 5.50% of post graduates and 4.00% of respondents belonging to professional education said strongly agree. **(Fig-7)** It is found that from the survey done between legal challenge in obtaining recognition and protection for fluid marks under existing trademark laws (lack of technological advancements) and the employment status of the respondents it is seen that, 3.65% of business, 1.04% of private sector, 2.60% of public sector and 3.13% of unemployed and 2.00% of respondents belonging to professional education said strongly disagree. 7.2% of business, 1.04% of private sector, 6.25% of public sector and 1.04% of unemployed and 3.65% of respondents belonging to professional education said disagree. 4.69% of business, 9.90% of private sector, 2.60% of public sector and 1.04% of unemployed and 6.25% of respondents belonging to professional education said neutral. 1.56% of business, 9.38% of private sector, 4.17% of public sector and 3.6% of unemployed and 8.85% of respondents belonging to professional education said agree. 2.60% of business, 5.2% of private sector, 1.04% of public sector and 3.65% of unemployed and 3.15% of respondents belonging to professional education said strongly agree. **(Fig-8)** It is found that from the survey done between legal challenge in obtaining recognition and protection for fluid marks under existing trademark laws (difficulties in maintain a consistent brand identity) and age of the respondents, 3.50% of 20-30 years, 2.50% of 31-40 years, 1.50% of 41-50 years said strongly disagree. 4.00% of below 20 years, 5.50% of 20-30 years, 2.00% of 41-50 years and 2.00% of above 50 years said disagree. 6.50% of below 20 years, 11.50% of 20-30 years, 2.00% of 31-40 years, 3.50% of 41-50 years, 4.00% of above 50 years said neutral. 9.00% of below 20 years, 13.00% of 20-30 years, 2.00% of 31-40 years, 5.50% of 41-50 years, 4.00% of above 50 years said agree. 2.00% of below 20 years, 9.00% of 20-30 years, 2.50% of 31-40 years, 2.00% of 41-50 years, 1.00% of above 50 years said strongly agree. **(Fig-9)** It is found that from the survey done between legal challenge in obtaining recognition and protection for fluid marks under existing trademark laws (uncertainty in determining distinctiveness of dynamic elements) and the education qualification of the respondents it is seen that, 1.50% of illiterate, 1.50% of school students, 0.50% of undergraduates and 5.00% of post graduates and 4.00% of respondents belonging to professional education said strongly disagree. 6.00% of illiterate, 3.00% of school students, 4.00% of undergraduates and 0.50% of post graduates and 1.00% of respondents belonging to professional education said they disagreed. 0.50% of illiterate, 5.00% of school students, 3.50% of undergraduates and 3.00% of post graduates and 4.00% of the respondents belonging to professional education said neutral. 3.00% of illiterate, 1.00% of school students, 9.50% of undergraduates and 5.50% of post graduates and 1.00% of respondents belonging to professional education said agree. 7.00% of illiterate, 17.5% of school students, 3.00% of undergraduates and 0.50% of post graduates and 3.50% of respondents belonging to professional education said strongly agree. **(Fig-10)** It is found that from the survey done between legal challenge in obtaining recognition and protection for fluid marks under existing trademark laws (distinctiveness) and age of the respondents, 1.00% of 20-30 years, 4.50% of 31-40 years, 0.50% of 41-50 years and 6.50% of above 50 years said strongly disagree. 5.00% of people below 20 years, 9.00% of 20-30 years, 1.50% of 31-40 years, 3.50% of 41-50 years and 0.50% of above 50 years said they disagreed. 7.00% of below 20 years, 10.00% of 20-30 years, 1.50% of 31-40 years, 5.00% of 41-50 years and 0.50% of above 50 years said neutral. 5.00% of below 20 years, 12.50% of 20-30 years, 4.00% of 31-40 years, 3.50% of 41-50 years and 3.00% of above 50 years said agree. 3.00% of below 20 years, 6.50% of 20-30 years, 3.50% of 31-40 years, 2.50% of 41-50 years said strongly agree. **(Fig-11)** It is found that from the survey done between legal challenge in obtaining recognition and protection for fluid marks under existing trademark laws (registrability) and the employment status of the respondents it is seen that, 3.65% of business, 1.04% of private sector, 2.60% of public sector and 3.13% of unemployed and 2.00% of respondents belonging to professional education said strongly disagree. 7.2% of business, 1.04% of the private sector, 6.25% of public sector and 1.04% of unemployed and 3.65% of respondents belonging to professional education said they disagreed. 4.69% of business, 9.90% of private sector, 2.60% of public sector and 1.04% of unemployed and 6.25% of respondents belonging to professional education said neutral. 1.56% of business, 9.38% of private sector, 4.17% of public sector and 3.6% of unemployed and 8.85% of respondents belonging to professional education said agree. 2.60% of business, 5.21% of private sector, 1.04% of public sector and 3.65% of unemployed and 3.13% of respondents belonging to professional education said strongly agree. **(Fig-12)** It is found that from the survey done between major technical considerations arise in the protection of fluid marks and

the gender of the respondents it is seen that, 9.50% of male and 10.50% of female said animation and rendering, 18.00% of male and 14.50% of female said digital forms and standards, 10.50% of male and 14.50% of female said proprietary software and tools, 11.50% of male and 3.50% of female said dynamic website and mobile compatibility and 3.00% of male and 4.50% of female said responsive design and adaptability (Fig-13).

## VII. Discussion

From Fig-1, the pie chart represents the population of the respondents by age. In this analysis the age group between 20-30 years of 42.50% responded in majority. From Fig-2, the pie chart represents the gender of the respondents. In this analysis 52.50% of the respondents are male in majority. From Fig-3, the pie chart represents the education qualification of the respondents. In this analysis, school students of 28.50% responded in majority. From Fig-4, the pie chart represents the employment status of the respondents. In this analysis the majority of the respondents are in the private sector at 26.56%. From Fig-5, it has been analysed from the survey agreeability that there are major challenges and issues relating to the protection of fluid marks as a trademark in digital India and gender of the respondent. In this complete analysis, the majority of the male and female of 28.00% and 26.50% correspondingly said yes. Protecting fluid marks as trademarks in the digital landscape poses significant challenges in India and across the globe. In the digital sphere, where these marks can transform and adapt, ensuring their consistent recognition becomes a real challenge. From Table-1, it has been identified from the Chi-square test that between agreeability that there are major challenges and issues relating to the protection of fluid marks as a trademark in digital era and age of the respondents, the p-value is 0.022, which is lesser than 0.05. Statistical significance is usually expressed as a p-value. The smaller the p-value, the less likely it is that the results are due to chance and more likely that the results are true. Researchers generally believe the results are probably true if the statistical significance is the p-value less than 0.05. If p-value is lesser than 0.05, reject the null hypothesis. So, reject the null hypothesis and accept the alternate hypothesis that there is statistical significance between the variables. The age of respondents can certainly play a role in understanding and addressing these challenges. Younger generations, for instance, might bring a more intuitive grasp of digital trends and their impact on trademarks, while older individuals might offer insights from their experience dealing with more traditional forms of branding and trademark protection. From Fig-6, it has been analysed from the survey between major challenges in protection of trademark and gender of the respondent. In this complete analysis, majority of the male and female of 14.00% and 19.50% correspondingly said identifiability and recognition. Ensuring that a trademark is distinct, recognizable, and consistently associated with a particular brand in the minds of consumers is a central hurdle. Diverse perspectives based on gender could offer different viewpoints on branding and how individuals perceive and interact with trademarks. From Fig-7, it has been analysed from the survey between agreeability that there is a major need to bring more stringent laws and new legislations to govern fluid marks and education qualification, majority of the respondents on a complete analysis said they strongly agree. The evolving nature of trademarks, particularly fluid marks, demands a legal framework that can adapt to their dynamic characteristics, ensuring their protection and recognition. From Fig-8, it has been analysed from the survey between legal challenge in obtaining recognition and protection for fluid marks under existing trademark laws (lack of technological advancements) and employment status of the respondents, majority have responded agree. Technological advancements, or the lack thereof in existing laws, pose a significant barrier. These laws might not effectively address the intricacies of digital trademarks, leading to gaps in protection and recognition. Integrating technological advancements within trademark laws is essential to keep pace with the changing nature of branding in the digital era. As for the employment status of respondents, it might influence perspectives on how these legal gaps impact different industries. From Fig-9, it has been analysed from the survey between legal challenge in obtaining recognition and protection for fluid marks under existing trademark laws (difficulties in maintaining a consistent brand identity) and age of the respondents, majority has responded they do agree on that statement. Maintaining a consistent brand identity for fluid marks within the constraints of existing trademark laws is a considerable legal challenge. The age of respondents can indeed influence how they perceive this challenge. Younger individuals, likely more familiar with digital trends and the rapid evolution of branding in the online sphere, might be more attuned to the difficulties in maintaining brand identity under existing laws. Conversely, older respondents might draw from experiences with more traditional forms of branding, noting how these laws may struggle to adapt to modern branding dynamics. From Fig-10, it has been analysed from the survey between legal challenge in obtaining recognition and protection for fluid marks under existing trademark laws (uncertainty in determining distinctiveness of dynamic elements) and education qualification of the respondents, majority of the respondents strongly agree to that statement. The fluid and evolving nature of these marks makes it complex to assess and define their distinctiveness under traditional legal frameworks. Individuals with relevant education, especially in law, intellectual property, or branding, might have a more nuanced understanding of the complexities in determining the distinctiveness of dynamic elements within trademark laws. From Fig-11, it has been analysed from the survey between legal challenge in obtaining recognition and protection for fluid marks under existing trademark laws (distinctiveness) and age of the respondents, majority of the respondents have said they agree towards the statement. The challenge of establishing distinctiveness for fluid marks within current trademark laws is indeed a complex issue. The constantly evolving nature of these marks can make it difficult to meet the traditional criteria for distinctiveness, as these laws were primarily designed for static, unchanging trademarks. Considering the age of respondents, different age groups might offer varied insights on this challenge. From Fig-12, it has been analysed from the survey between legal challenge in obtaining recognition and protection for fluid marks under existing trademark laws (registrability) and employment of the respondents, the respondents have said they agree with the statement. These laws were primarily designed for static, consistent trademarks and might not adequately address the evolving nature of fluid marks in the digital age. The capacity to register such dynamic marks within the

confines of existing regulations can be a cumbersome process, potentially leading to refusals or limitations in protection. Individuals working in legal, branding, or intellectual property-related roles might have firsthand experience in dealing with the limitations of current trademark laws regarding the registrability of fluid marks. Their insights could offer a practical understanding of how these laws affect businesses and trademark protection strategies. From **Fig-13**, it has been analysed from the survey between major technical considerations arise in the protection of fluid marks and gender of the respondents, the majority of the respondents said digital forms and standards. The evolving nature of fluid marks, especially in digital forms, presents challenges related to maintaining consistency, ensuring recognition, and safeguarding the distinctiveness of these marks. The use of digital standards in trademark protection, therefore, becomes crucial to adapt to the dynamic nature of branding in the online space. Diversity of perspectives based on gender could offer varied insights into the use and impact of digital forms and standards in trademark protection.

### VIII. Limitations

The major limitation of the study is the sample frame. The sample frame is collected through surveys by giving the respondents the questionnaire, the real field experience is carried out. The survey was conducted in Chennai. Collection of data through actual surveys decreased the limitations of the researcher to collect data from the field. Since the data is collected on an offline platform the original opinion of the respondent is found out. The researcher can come to a conclusive opinion of what the respondents view is.

### IX. Conclusion

In the dynamic landscape of the digital era, protecting brand identity becomes increasingly complex, especially when it comes to fluid marks. Fluid marks are adaptable logos or trademarks that can change over time, reflecting evolving trends and consumer preferences. However, their very nature presents unique challenges in terms of legal protection and enforcement. Artificial intelligence (AI) can play a crucial role in monitoring and enforcing the protection of fluid marks. AI-powered image recognition systems can scan digital platforms and social media networks for instances of unauthorised use or modification of fluid marks. This technology can help identify potential infringement cases more efficiently and enable brands to take appropriate legal action. The protection of fluid marks in the digital era presents significant challenges for businesses seeking to safeguard their brand identity. The evolution of technology, combined with the dynamic nature of these marks, demands innovative approaches to legal protection and enforcement. Blockchain technology, AI-powered image recognition, and legal framework adaptations offer potential solutions to overcome these challenges. By embracing these solutions and fostering international cooperation, businesses can navigate the complexities of protecting fluid marks and maintain their brand integrity in the ever-evolving digital landscape.

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